

THE PUNJAB LOCAL GOVERNMENT (AMENDMENT) ORDINANCE 2013

(VI OF 2013)

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TEXT

THE PUNJAB LOCAL GOVERNMENT (AMENDMENT) ORDINANCE 2013

(VI of 2013)

[4th November, 2013]

An

Ordinance

to amend the Punjab Local Government Act 2013.

Whereas it is expedient to amend the Punjab Local Government Act 2013 (XVIII of 2013) for purposes hereinafter appearing;

And whereas Provincial Assembly of the Punjab is not in session and Governor of the Punjab is satisfied that the circumstances exist which render it necessary to take immediate action;

Now, therefore, in exercise of powers conferred under clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is pleased to make and promulgate the following Ordinance:

1. Short title and commencement.—(1) This Ordinance may be cited as the Punjab Local Government (Amendment) Ordinance 2013.

(2) It shall come into force at once.

2. Amendment in section 12 of Act XVIII of 2013.— In the Punjab Local Government Act 2013 (XVIII of 2013), hereinafter referred to as “the said Act”, in section 12:

- (a) in subsection (1), the brackets and figure “(1)” shall be omitted; and
- (b) subsection (2) shall be omitted.

3. Amendment in section 13 of Act XVIII of 2013.—In the said Act, in section 13, in subsection (1), in clause (d), the words “where there are at least two hundred non-Muslim voters registered in the Union Council” shall be omitted.

4. Amendment in section 14 of Act XVIII of 2013.— In the said Act, in section 14, in subsection (2):

- (a) the comma and words “,Vice Chairmen and members” shall be omitted; and
- (b) for clause (e), the following shall be substituted:
 - “(e) such non-Muslim members, not exceeding five, as the Government may notify for each District Council.”

5. Amendment in section 15 of Act XVIII of 2013.— In the said Act, in section 15:

- (a) in subsection (1), the comma and words “,Vice Chairmen and members” shall be omitted;

- (b) in subsection (2):
 - (i) the comma and words “,Vice Chairmen and members” shall be omitted; and
 - (ii) for clause (e), the following shall be substituted:
 - “(e) such non-Muslim members, not exceeding five, as the Government may notify for each Municipal Corporation.”; and
 - (c) in subsection (3), for clause (d), the following shall be substituted:
 - “(d) such non-Muslim members, not exceeding three, as the Government may notify for each Municipal Committee.”

6. Amendment in section 19 of Act XVIII of 2013.— In the said Act, in section 19, for subsection (1), the following shall be substituted:

“(1) The Election Commission shall conduct the local government elections and, for the purpose, shall, by notification in the official Gazette, declare the election schedule for election under this Act.”

7. Amendment in section 21 of Act XVIII of 2013.— In the said Act, in section 21, in subsection (2), after the word “prepared”, the words “or adapted or adopted” shall be inserted.

8. Substitution of section 22 in Act XVIII of 2013.—In the said Act, for section 22, the following shall be substituted:

“22. Appointment of District Returning Officer, Returning Officer etc.— (1) The Election Commission shall appoint from amongst the officers of the Election Commission, the Government, a body or entity controlled by the Government, District Returning Officers, Returning Officers and Assistant Returning Officers for purposes of election under this Act.

(2) An Assistant Returning Officer shall assist the Returning Officer in the performance of his functions under this Act and may, subject to such conditions as may be imposed by the Election Commission, exercise the powers and perform the functions of the Returning Officer, under the control of the District Returning Officer.

(3) The District Returning Officer shall do all such acts as may be necessary for effectively conducting an election in accordance with the provisions of this Act and the rules.”

9. Substitution of section 23 in Act XVIII of 2013.—In the said Act, for section 23, the following shall be substituted:

“23. Polling stations.— (1) The Returning Officer shall, before such time as the Election Commission may fix, submit to the District Returning Officer a list of polling stations he proposes to provide in a Union Council or ward for purposes of election of a member for the Union Council or ward.

(2) Subject to the direction of the Election Commission, the District Returning Officer may make such alterations in the list of polling stations submitted under subsection (1) as he deems necessary and shall, within fifteen days before the polling day, publish in the official Gazette the

final list of polling stations specifying the electoral area, the voters who are entitled to vote at each polling station.

(3) The Returning Officer shall establish in each Union Council or ward a polling station or polling stations according to the final list published under subsection (2).

(4) A polling station shall not be located in any premises belonging to or under the control of any candidate.”

10. Substitution of section 24 in Act XVIII of 2013.—In the said Act, for section 24, the following shall be substituted:

“24. Presiding Officers and Polling Officers.— (1) A Returning Officer shall appoint for each polling station a Presiding Officer and such number of Assistant Presiding Officers and Polling Officers from amongst the officers of the Government, local governments and corporations established or controlled by such governments to assist the Presiding Officer as the Returning Officer may consider necessary.

(2) A person who is or has, at any time, been in the employment of any candidate shall not be appointed as a Presiding Officer, Assistant Presiding Officer or Polling Officer.

(3) A list of such Presiding Officers, Assistant Presiding Officers and Polling Officers shall be submitted to the District Returning Officer within fifteen days before the polling day for its approval and no change in the personnel shall be made except with the approval of the Election Commission.

(4) A Presiding Officer shall conduct the poll in accordance with the provisions of this Act and the rules, and shall be responsible for maintaining order at the polling station and shall report to the Returning Officer any factor incident which may, in his opinion, affect the fairness of the poll.

(5) The Presiding Officer may, during the course of poll, entrust such of his functions as may be specified by him to any Assistant Presiding Officer and it shall be the duty of such Assistant Presiding Officer to perform the functions so entrusted.

(6) The Returning Officer shall authorize one of the Assistant Presiding Officers to act in place of the Presiding Officer if the Presiding Officer is, at any time, during the poll, by reason of illness or any other cause, not present at the polling station or is unable to perform his functions; and any absence of the Presiding Officer and the reasons for the absence shall, as soon as possible after the close of poll, be reported to the Returning Officer.

(7) The Returning Officer may, at any time during the poll, for reasons to be recorded in writing, suspend any Presiding Officer, Assistant Presiding Officer or Polling Officer and make such arrangements as he may consider necessary for the performance of the functions of the officer so suspended.”

11. Amendment in section 27 of Act XVIII of 2013.— In the said Act, in section 27, in subsection (1), in clause (b), for the word “or”, the word “and” shall be substituted.

12. Amendments in First Schedule of Act XVIII of 2013.—In the said Act, in the First Schedule:

- (a) in Part-I, in the column titled “Membership”, for the last entry, the following shall be substituted:
“One non-Muslim member.”
- (b) in Part-II, in the column titled “Membership”, for the last entry, the following shall be substituted:
“Such number of non-Muslim members, not exceeding five, as the Government may, by notification, determine on the basis of the number of Union Councils in a District Council.”
- (c) in Part-III, in the column titled “Membership”, for the last entry, the following shall be substituted:
“Such number of non-Muslim members, not exceeding three, as the Government may, by notification, determine on the basis of the number of wards in a Municipal Committee.”; and
- (d) in Part-IV, in column titled “Membership”, for the last entry, the following shall be substituted:
“Such number of non-Muslim members, not exceeding five, as the Government may, by notification, determine on the basis of the number of Union Councils in a Municipal Corporation.”